

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELOISA MARQUEZ, RICHARD MARTINEZ,
DESTINEY MARTINEZ and ANDRELLITA MARTINEZ

Plaintiffs,

Case No.: 1:15 CV 00787 KBM-LF

vs.

OFFICER NICHOLAS LEVINE, in his official capacity as
a commissioned law enforcement officer and individual capacity,
OFFICER RYAN KUEHL, in his official capacity as a
Commissioned law enforcement officer and individual capacity,
And the NEW MEXICO STATE POLICE DEPARTMENT,

Defendants.

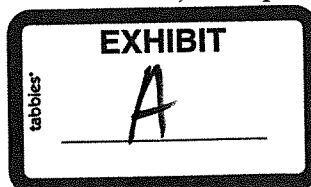
**PROTECTIVE ORDER
REGARDING PERSONNEL FILES OF OFFICERS LEVINE AND KUEHL, AND
INTERNAL AFFAIRS REVIEW FILE REGARDING CASE NO. 13-181250**

THIS MATTER having come before the Court on the Unopposed Motion of Protective Order stipulated to by the parties by and through respective counsel of record, and the Court being fully advised in the premises,

FINDS that good cause exists for the entry of the Protective Order based upon the recognized protections afforded to personnel files of Defendant Officers Levine and Kuehl and to the Internal Affairs Review File concerning Case No. 13-181250. *See Denver Policemen's Protective Ass'n v. Lichtenstein*, 660 F.2d 432 (10th Cir. 1981).

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that:

Defendants Officer Nicholas Levine, Officer Ryan Kuehl, and the New Mexico State Police Department (collectively "State Defendants") shall produce Personnel Files and the Internal



Affairs Review File Regarding Case No. 13-181250 (hereinafter “Internal Documents”) (with redaction of home addresses, home phone numbers, and social security numbers), subject to the following terms and conditions:

1. Plaintiffs and their respective attorney of record will return the contents of the Internal Documents file at the resolution of this lawsuit;
2. Plaintiffs and their respective attorney of record will purge all copies of the contents the Internal Documents at the resolution of this lawsuit;
3. Plaintiffs and their respective attorney of record will not disclose or produce the contents of the Internal Documents to any non-party at any time, except for investigators, any experts and/or consultants retained by the parties in this matter;
4. Plaintiffs and their respective attorney of record will not to attach any of the contents of the Internal Documents as exhibits to depositions or to motions filed with this Court unless the depositions or motions are sealed.
5. As the Internal Documents become known to State Defendants, State Defendants reserve the right to object to the disclosure of privileged documents constituting psychotherapist-patient communications, work product, attorney-client communication, or documents that they assert would violate an officer’s right to privacy. Furthermore, as these documents become known to State Defendants, disclosure and claims of privilege may be made. Any such claims of privilege may be challenged by Plaintiffs in accordance with the Federal Rules of Civil Procedure.
6. Plaintiffs and their respective attorney of record will only use the information contained in Internal Documents for purposes of this lawsuit only and agree that this information

is not to be used or disclosed in any other proceedings, litigation, depositions, and/or hearings which are not a part of this action.

7. State Defendants will produce all Internal Documents presently known to State Defendants within three (3) days of the date of entry of this order, and will supplement such production on a rolling basis as to all further Internal Documents as they become known to State Defendants.

United States Magistrate Judge

Respectfully submitted by:

SAUCEDOCHAVEZ, P.C.

By: /s/ Frank T. Apodaca

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